

May 16, 2005

FRED COOK
1302 13TH STREET-APT #4
CLARKSTON WA 99403

Subject: Complaint filed against Clarkston School District Officials (Pete Lewis, Superintendent) PDC Case No. 05-004

Dear Mr. Cook:

The Public Disclosure Commission staff has completed its investigation of your complaint received June 21, 2004, alleging that Clarkston School District officials used the resources and facilities of the district to support a February 3, 2004, Maintenance and Operations Levy.

RCW 42.17.130 prohibits elected officials, their employees, and persons appointed to or employed by a public office or agency from using or authorizing the use of public facilities, directly or indirectly, for the purpose of assisting a candidate's campaign or for the promotion of, or opposition to, any ballot proposition.

Specifically, you alleged that Clarkston School District officials (Pete Lewis, School Superintendent) produced and distributed a flyer containing information about the February 3, 2004 Maintenance and Operations levy that included the words "Vote Yes," thereby promoting the passage of February 3rd levy. We found:

- The Clarkston School District produced and distributed a "Winter 2003-2004 School Newsletter" that included information about the February 3, 2004 Maintenance and Operations levy. Clarkston School District Superintendent Pete Lewis authorized its publication and distribution.
- Michelle Witthaus was engaged on a contractual basis to perform services for the Clarkston School District through her company, Northwest Media Productions. Ms. Witthaus is not an employee of the District.
- Ms. Witthaus performed the following work for the district: 1) website development; 2) design and layout of district newsletters, including the "Winter 2003-2004 School Newsletter"; 3) public relations; 4) compiling and

disseminating information to news media regarding school district special events and projects; 5) writing press releases.

- Ms. Witthaus also volunteered to assist the Citizens for Children Committee (CCC), a political committee formed to support the February 3, 2004, Maintenance and Operations levy. As a volunteer, Ms. Witthaus used information included in the district newsletter in a flyer she prepared for the CCC. The Citizens for Children Committee flyer was similar to the school district newsletter, but also contained the words “Vote Yes.”
- Ms. Witthaus used her personal computer to work on both the district newsletter and the Citizens for Children Committee flyer. She did not use any district equipment to produce the CCC flyer. Superintendent Lewis stated that Ms. Witthaus was not directed by the district to volunteer for CCC. Ms. Witthaus performed volunteer work on her own time without compensation. The Citizens for Children Committee produced 7,500 flyers. They were printed by Printcraft Printing, Inc. at a cost of \$394.
- Superintendent Lewis said that the Clarkston School District did not authorize the use of the district fact sheet or of the district logo that was included in the political advertisement paid for by the CCC.

You also alleged that the Clarkston School District distributed the “Vote Yes” flyer of the Citizens for Children Committee, along with the district’s newsletter. We found:

- Citizens for Children Committee used volunteers to distribute its flyer by hand. The volunteers did the work on their own time. Don McQuary, Chairman of the Citizens for Children Committee, stated that volunteers split the school district into geographic areas based on the neighborhoods of the volunteers. He said most of the distribution took place on the Saturday before the election.
- Mr. McQuary stated that the distribution was not coordinated with the timing of the district newsletter that was mailed by the Clarkston School District. He also stated that the volunteers did not insert copies of the district newsletter with the campaign flyer.
- The flyer paid for by Citizens for Children Committee did not contain proper sponsor identification. The CCC flyer contained substantially the same information as the district’s newsletter, with the exception of the “Vote Yes” statement, which led some recipients of the flyer to believe that it came from the Clarkston School District.

The Citizens for Children Committee was sent a warning letter regarding its lack of sponsor identification, stating that if future political advertising fails to comply with proper sponsor identification requirements, the committee will face enforcement action. Enclosed is a copy of that letter.

No evidence was found that district officials used facilities of the district to promote passage of the levy. Superintendent Lewis will be cautioned to maintain control over the work product that is created for the Clarkston School District by outside contractors, including the district logo, on future publications.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Pete Lewis, Superintendent, Clarkston School District.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll free at 1-877-601-2828.

Sincerely,

Vicki Rippie
Executive Director

c: Pete Lewis, Superintendent of Clarkston School District
Citizens for Children Committee

Enclosure: Letter to Pete Lewis